

1 MICHAEL WALTON CABAR #97947  
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3 San Anselmo, CA 94979  
4 (415) 456-7920  
5 In Propria Persona

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 FOR THE COUNTY OF MARIN

8	CHURCH OF SCIENTOLOGY	)	
9	INTERNATIONAL, a California	)	
10	not-for-profit religious	)	
11	corporation,	)	CASE NO. 157 680
12		)	
13	Plaintiff,	)	
14		)	DECLARATION OF MICHAEL WALTON
15	vs.	)	IN OPPOSITION TO
16		)	PLAINTIFF'S MOTION FOR LEAVE
17	GERALD ARMSTRONG; MICHAEL	)	TO COMPLETE DISCOVERY; REQUEST
18	WALTON; THE GERALD ARMSTRONG	)	FOR SANCTIONS AGAINST MICHAEL
19	CORPORATION, a California for)	)	AND SOLINA WALTON
20	profit corporation; DOES 1	)	Date: December 16, 1994
21	through 100, inclusive,	)	Time: 9:00 A.M.
22		)	Location: Dept. 1
23	Defendants.	)	Judge Gary W. Thomas
24		)	Trial Date: May 18, 1995

25 I, Michael Walton, declare under penalty of perjury under the  
26 laws of the State of California that the foregoing recitation is  
27 true and correct.

28 (1) Declarant is a defendant in this lawsuit and an attorney  
29 duly licensed to practice in the State of California.

30 (2) On November 21, 1994, declarant received via U.S. mail a  
31 letter from Scientology's attorney, Laurie Bartilson dated November  
32 17, 1994 regarding the discovery which is the subject of this  
33 motion. On that same day, November 21, 1994, declarant responded to  
34 that letter. True and correct copies of those letters are attached  
35 hereto as Exhibits A and B, respectively.

1           (3) On Tuesday, November 22, 1994, two days before  
2 Thanksgiving, declarant began a six day Thanksgiving vacation  
3 (three of those days were either weekend days or holidays). Upon  
4 declarant's return to his office on Monday, November 28, 1994, he  
5 received a letter from attorney Bartilson dated November 22, 1994  
6 (a true and correct copy of which is attached as Exhibit C). In  
7 addition to the letter, there was service of the instant motion  
8 under separate cover. And finally, there were two messages on the  
9 office answering machine both time stamped November 22, 1994. There  
10 were no other messages from Ms. Bartilson or anyone else  
11 representing CSI regarding this attempted discovery either before  
12 or after the ones received on November 22, 1994.

13           (4) There were no telefaxes despite the notation on Ms.  
14 Bartilson's letters that there had been telefax transmission. On  
15 prior occasions, Ms. Bartilson has purported to transmit documents  
16 to Walton's office by telefax which are never received.

17           (5) The next day, November 29, 1994, declarant responded to  
18 Ms. Bartilson's letter of November 22, 1994. A true and correct  
19 copy of that letter is attached hereto as Exhibit D). An  
20 examination of the dates of these correspondences readily show that  
21 there was no refusal to meet and confer. If anything, such an  
22 examination shows that Ms. Bartilson has misrepresented to the  
23 court the true and correct development of events relating to the  
24 "meet and confer" requirement.

25           (6) Declarant never intended , nor did he, attempt to avoid a  
26 meet and confer with Scientology attorneys at any time since the

1 commencement of this litigation.

2 (7) Attached hereto as Exhibit E is a true and correct copy of  
3 Michael Walton's Response to Plaintiff's Demand for Inspection of  
4 Real Property.

5 (8) Attached hereto as Exhibit F is a true and correct copy of  
6 Solina Walton's Response to Plaintiff's Demand for Inspection of  
7 Real Property and Objection to Deposition of Solina Walton.

8 (9) Attached hereto as Exhibit G is a true and correct copy of  
9 the Declaration of Gerald Armstrong dated November 16, 1994.

10 (10) Attached hereto as Exhibit H is a true and correct copy  
11 of "Litigation Noir", an article from the December 1994 issue of  
12 California Lawyer magazine.

13 (11) Attached hereto as Exhibit I is a true and correct copy  
14 of "Scientologists Report Assets of \$400 Million", an article dated  
15 October 22, 1993, which appeared in The New York Times newspaper.

16 (12) On or about September 12, 1994, declarant had a telephone  
17 conversation with Ms. Bartilson in which Ms. Bartilson, in a  
18 hostile and threatening manner, told declarant that CSI would never  
19 allow this case to settle against Mr. Walton and would only make  
20 things worse for him unless Mr. Walton would agree to "put pressure  
21 on your friend" (defendant Armstrong) to capitulate in the case  
22 that underlies the instant one; i.e. the Los Angeles breach of  
23 contract case (now consolidated with this one). Mr. Walton declined  
24 to interfere in the underlying case.

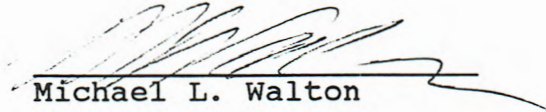
25 The facts hereinabove recited are personally known to  
26 declarant and if called upon to testify, declarant could and would

1 competently do so. I declare under penalty of perjury under the  
2 laws of the State of California that the foregoing recitation is  
3 true and correct.

4 Dated: December 8, 1994

5 Place: San Anselmo, CA

6  
7

  
Michael L. Walton